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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,389	12/21/2001	Ronald E. Cole	1007-0542 / M7273.1	1177

7590 11/18/2003

Mark D. Becker  
Emerson Appliance Controls  
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Indianapolis, IN 46214-2016

EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,389

Applicant(s)

COLE, RONALD E.

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

### **DETAILED ACTION**

Acknowledgement is made of Applicant's submission of:

Extension of Time (2 Mos.) filed on 7/14/03

Amendment A filed on 07/14/03

Supplemental Amendment B filed on 07/31/03

The aforementioned items have been noted and officially inserted into the application.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 07/31/03 is being considered by the examiner.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 07/31/03, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 10/027,542, has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Objections***

3. Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or

rewrite the claim(s) in independent form. The Examiner notes that language of claim 9 and differ from the language of claim 8, lines 10-11, in that they include the term "modular". If it is the Applicant's contention that the term "modular" does indeed further limit the subject matter of a previous claim, the Applicant is required to provide reasoning and explanation to that effect. Furthermore, if it is the Applicant's contention that the term "quick-connect" does indeed further limit the subject matter of a previous claim, the Applicant is required to provide reasoning and explanation to that effect.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartzell (U.S. Patent No. 6,315,336) in view of Barnett (U.S. Patent No. 4,374,320). In regards to claims 8-10, Swartzell discloses a support (10; col. 3, line 21) adapted to be mounted to a self-cleaning oven (see Title); a cam (26; col. 3, line 36) maintained by said support; a cam plate (generally 32; see col. 4, line 11) coupled to said cam and driven by said cam; a motor (24; col. 3, line 36) coupled to said cam (26) and operative to drive said cam; a latch mechanism (14; col. 3, lines 30-40) coupled to and driven by said motor; a plurality of switches (34,36 & 54; col. 4, lines 10-20)

Art Unit: 3677

maintained on said support and selectively actuated by said cam plate, see col. 4, lines 10-14; a plurality of terminals (A) associated with said plurality of switches and maintained on said support (10). Swartzell does not positively disclose that the plurality of terminals are configured to connect to a single terminal interface, however, it is disclosed that said switches are connected to the over control. Barnett discloses a motorized over door latch control that teaches the use of a switch (200) having a plural sets of terminals configured to connect to a single quick-connect terminal interface.

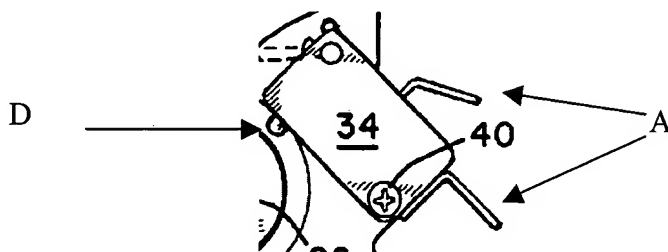


Figure 1

In regards to claims 11 and 18, one of Swartzell's plurality of switches includes a door position switch (54; see col. 4, lines 15-16). In regards to claims 12 and 19, at least some of said plurality of switches (34 & 36) are actuated by cam (26; see col. 4, lines 10-15). As it concerns claims 13 and 20, Swartzell further comprises a flat cam plate (generally 32) in communication with and driven by said cam, said flat cam plate in communication with at least some of said plurality of switches (34 & 36; see col. 4, line 12). In regards to claims 14-17, the Swartzell and Barnett references disclose a door latch mechanism for a self-cleaning over comprising a support (10), a rotating cam (26), a motor (24), a cam plate (generally 32), a latch mechanism (14), a plurality of switches (34, 36, & 54), a plurality of terminals (A) associated with said plurality of switches, wherein said plurality of terminals are ganged to permit connection to a single point terminal connector as set forth above. In regards to claim 21, Swartzell discloses a latch

Art Unit: 3677

assembly for a self-cleaning oven (see Title), comprising a support (10; col. 3, line 21); a motor supported by said support (24; col. 3, line 36); a cam (26; col. 3, line 35) driven by said motor (24); a latch mechanism (14; col. 3, lines 30-40) driven by said motor (24); a plurality of switches (34 & 36; col. 4, lines 10-20) supported by said support (10; see Figs. 1-2), wherein movement of said cam (26) via lobe (32) causes actuation of at least one of at least one of plurality of switches (34 & 36); see col. 4, lines 10-14. In regards to claim 22, the Swartzell reference further comprises an intermediate cam structure mechanically interposed between said cam and said plurality of switches. As it concerns claim 23, movement of cam (26) causes movement of said intermediate cam structure (i.e., cam lobe (32)), and movement of said intermediate cam structure causes actuation of said at least one of said plurality of switches, see col. 4, lines 10-15. In regards to claim 24, said intermediate cam structure includes a cam follower (i.e., cam lobe (32)) which is caused to move in response to movement of said cam, see col. 3, lines 38-40. As it concerns claim 25, said cam follower includes a cam plate (see Fig. 1) having a plurality of tracks, and a plurality of switch actuators (D in Fig 1' above) respectively disposed within said plurality of tracks. In regards to claim 26, said cam follower (32) includes a cam plate (i.e., generally 26) having an opening (30) defined therein and said cam extends through said opening. As it concerns claim 27, said plurality of switch actuators (D) are respectively movably settable along said plurality of tracks. In regards to claims 28 and 29, said plurality of switches includes an upper set of switch arms (34) and a lower set of switch arms (36), and movement said cam causes at least one upper arm of said upper set of switch arms and a respective at least one lower arm of said lower set of switch arms to contact each other. As it concerns claim 21, said support (10) includes a housing having an opening defined therein (see

Art Unit: 3677

Fig. 1), said latch mechanism (14) is position in said housing, said latch mechanism includes a latch arm that extends through said opening defined in said housing (i.e., the opening near 18). Claims 31-41 recite claim subject matter having the same limitations as claims 8-30 and rejected accordingly as set forth above.

### *Response to Arguments*

7. Applicant's arguments filed 7/14/03 have been fully considered but they are not persuasive.

8. The Applicant contends that neither Swartzell nor Barnett discloses a cam plate, nor a plurality of switches selectively actuated by a cam plate. And much less, a motor that drives a cam, where (i) such cam drives a cam plate, and (ii) such motor drives a latch mechanism. The Examiner respectfully disagrees. Swartzell discloses a cam plate (generally 32), a plurality of switches (34, 36, & 54), a motor (24) that drives the cam which in turn drives the cam plate and furthermore drives the latch mechanism (14). The Examiner has annotated the above rejection with reference number and column/line indicators as requested by the Applicant. Furthermore, the Examiner respectfully directs the Applicant's attention to the entire text of said references.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



Art Unit: 3677


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600